

In the Matter of)
)
M2Z Networks, Inc.'s Application for License) WC Docket No. 07-16
And Authority to Provide a National Broadband)
Radio Service in the 2155-2175 MHz Band)

Leap Wireless International, Inc. and its Cricket subsidiaries (collectively, “Leap”) submit these comments in response to the above-captioned Application.¹

Leap supports the goal of building out and deploying wireless broadband service on a nationwide basis in a fashion that can provide consumers and public safety agencies with low-cost access to broadband service. Indeed, Leap has

² See Public Notice, *Pleading Cycle Established for Comments on Petition of M2Z Networks, Inc.'s Petition for Forebearance Under 47 U.S.C. § 160(c) to Permit Acceptance and Grant of Its Application for a License to Provide Radio Service in the 2155-2175 MHz Band*, WT Docket No. 07-30, DA 07-736 (rel. Feb. 16, 2007).

invested heavily in its own high-capacity networks to deploy a variety of flat-rate services that have led the nation in serving consumers that historically have been underserved by large wireless carriers.³

Furthermore, Leap is not reflexively opposed to creative proposals intended to promote ubiquitous broadband access and the facilitation of public safety objectives. But the Commission should not permit a single entity, such as M2Z, to obtain such enormously valuable spectrum for free. M2Z has made no case that it has any unique experience or expertise, or that its proposal has other extraordinary virtues, which would warrant the awards of a free, nationwide license that would be worth potentially hundreds of millions of dollars if auctioned in accordance with the Commission's ordinary competitive bidding procedures. Bestowing such a windfall on M2Z would be grossly arbitrary and radically unfair to companies, such as Leap, which have "put their money where their mouth is" to acquire spectrum at auction and deploy it as rapidly as possible.

Leap is not necessarily opposed to other creative alternatives or hybrid licensing schemes to facilitate broadband deployment that do not involving auctioning the spectrum. However, in Leap's view, such schemes should allow for a multiplicity of providers to access the spectrum, and not a single controlling entity. M2Z's proposal is an obvious "end run" around the Commission's normal licensing processes that is not in the public interest.

³ Through a variety of low, flat-rate service plans, Leap offers customers a choice of unlimited anytime local voice minutes, unlimited anytime domestic long distance voice minutes, unlimited text, instant and picture messaging and additional value-added services over high-quality, all-digital CDMA networks.

Respectfully submitted,

/s/

James H. Barker

LATHAM & WATKINS, LLP
555 11th Street, NW, Suite 1000
Washington, DC 20004
(202) 637-2200

Robert J. Irving, Jr.
Senior Vice President and
Leap Wireless

General Counsel
International, Inc.

10307 Pacific Center Court
San Diego, CA 92121

March 2, 2007